

SEP 11 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
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DELANTE ROPER,	)	
Petitioner	)	Civil Action No. 5:12-cv-80414
	)	Criminal Action No. 5:08-cr-00039
	)	
v.	)	<u>ORDER</u>
	)	
UNITED STATES OF AMERICA,	)	By: Hon. Glen E. Conrad
Respondent.	)	United States District Judge

This case is before the court on the government's motion to dismiss the petitioner's 28 U.S.C. § 2255 motion to vacate. For the reasons stated in the accompanying memorandum opinion, it is hereby

**ORDERED**

that the government's motion to dismiss is **GRANTED**, that the petitioner's motion to vacate is **DENIED**, and that a certificate of appealability is **DENIED**.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to Roper and to all counsel of record.

ENTER: This 11<sup>th</sup> day of September, 2012.

*[Signature]*

Chief United States District Judge